

MUNICIPAL REVIEW COMMITTEE  
MEETING MINUTES AUGUST 11, 2003

PRESENT:

Wendy Salvati, Chairman  
Lou Depowski, Member  
Dan Michnik, Member  
John Moulin, Member  
Phil Sgamma, Member  
Paul Shear, Member  
Richard McNamara, Member

Barbara Guida, Councilwoman/Liaison  
Chris Schneegold, Planning Board Liaison  
Jim Callahan, Director of Community Dvlpt.

1. HEISE ROAD TND, 6680 HEISE ROAD.

Jim Callahan gave a brief history on the review of the project, identifying dates when the various boards have discussed the application. The project was introduced to the Town Board on 12/18/02. It was introduced to the Planning Board on 2/19/03 and referred back to the Town Board for clarification on density. The Planning Board referred the application to the MRC on 4/2/03. The MRC had recommended Lead Agency and commenced the comment period for involved agencies on 4/28/03.

Mike Metzger and Sean Hopkins, representing the applicant, Patrick Development, gave a brief overview of the project design. The access to the 23 acre parcel will be limited to one Heise Road curb cut. 66 units are proposed with a traditional neighborhood design, including alleys and an abundance of green space. The zoning is currently Agriculture and the applicant is requesting a rezone to Planned Unit Residential Development (PURD).

Wendy Salvati identified that the Town has received several comments from involved agencies that have been distributed to the MRC members. These comments include:

- \*NYSDOT identifying no significant impacts upon the State Highway Sytem.
- \*NYSHPO identifying that additional information and study is required
- \*ECDPW identifying that additional information will be required
- \*ECDSM comments identifying no sewer capacity within ECSD#5
- \*ECDEP comments identifying concerns with rezoning and density in conflict with the Master Plan 2015 and recommending a Positive Declaration
- \*NYSDEC comments identifying concerns with sewer access and recommending a Positive Declaration.

Mike Metzger commented on the question of public sewer access. He commented that the applicant has several options available for capacity and further details will need to be worked out as the project moves forward. Options include gravity sewer collector sewer to the south property line will be approximately 1200' from the existing sewer line on Heise Road. It was noted that Erie County SD#5 has identified no capacity. Mike Metzger commented that there does exist potential for capacity within SD#5 and there may be trade-offs with other districts.

Sean Hopkins requested that the MRC table this item as additional information is requested from several involved agencies.

Phil Sgamma commented that the applicant is proposing a pedestrian friendly design and yet there are no sidewalks proposed within the development. Mike Metzger commented that the design provides for a walkable community with open areas and commons and the streets and alleys will act as pedestrian corridors. There exists many neighborhoods that are very walkable that have no sidewalks.

John Moulin asked whether the roads would be private. The roads are proposed to be privately owned and would be 22' – 24' in width. Paul Shear asked about lot sizes. It was noted that minimum lot size would be 60' x 100'. These widths would be at the setback line.

Dan Michnik asked about maintenance and house styles. It was noted that Patrick Development is the principal builder and there is a homeowners association proposed to maintain common areas. The board expressed concerns related to the long term viability of a homeowners association as there are examples of failed and/or defunct associations all over the country.

Wendy identified concerns related to the project not being in conformance with the adopted Master Plan 2015. The applicant has not addressed this issue. Mike Metzger reported that the applicant will provide a response to this concern outlining the project and how it conforms to the Master Plan on a chapter by chapter analysis. Wendy identified that the character of the project is not compatible with the character of the area. Mike Metzger commented that the project provides an excellent land use transition from the Industrial Zone along County Road to the single-family lots to the west.

Mike Metzger stated that the applicant must provide additional information and that the MRC does not have all of the facts to make a determination at this time. A detailed Part 3 analysis of the EAF will be required to make a final determination. The MRC will work on the Part 3 analysis when all information is forwarded by the applicant.

A motion was made by Dan Michnik, seconded by Paul Shear and carried to table this item. The applicant will forward required information and the Planning staff will prepare a draft of the Part 3 analysis prior to the next time this matter is scheduled for a meeting.

Hans Mobius, representing the Farm Bureau and Horses Love Clarence identified that both agencies strongly oppose the conversion of agriculture land for housing development. Wendy Salvati identified that the applicant has identified that prime soils exist on the site. This is an important issue that must be addressed in the environmental review.

## 2. FOX TRACE EAST SUBDIVISION.

Jim Callahan gave a brief history of the review process to date on this project. Initially submitted in 1999, the project was partially through an environmental review when the action was tabled. As no activity occurred within 6 months, the project lapsed. The project was reintroduced to the Town Board on 5/28/03 to initiate the review process. The Planning Board was introduced to the project on 6/18/03 and it was referred from the Planning Board on 7/30/03.

Rob Pidanick from Pratt & Huth consulting engineers introduced the project to the MRC, along with Sean Hopkins of Renaldo & Meyers and Vic Martucci of Marrano Homes. The project consists of a 58 acre site with access to Harris Hill Road and Greiner Road. The applicant is proposing a rezoning to Residential A as the minimum lot sizes are proposed to be 100' frontage and 150' depth. The project is proposed as 92 single-family lots. The design includes lakes to be utilized for aesthetics as well as for storm water retention. Sewer capacity has been identified via a letter from the Town of Amherst identifying up to 75,000 gpd of capacity. The proposed project will utilize 32,000 gpd. The project is proposed to be built in 3 phases, approximately 30 units per phase. Both road connections to Harris Hill Road and Greiner Road will be completed in the initial phase of construction. Mr. Pidanick noted that the parcel is long and narrow and not conducive to providing a recreational component. The petitioner, Mr. Cimato has offered to pay a recreation fee in lieu of a park up front.

It was noted that the project site is not located within a sewer district. Sewer District #5 would need to be expanded to accommodate this project. The Town and Sewer District #5 will need to decide how to allocate the 75,000 gpd capacity that is potentially available. Phil Sgamma noted that the Master Sewer Plan identifies a sewer trunk line from the Peanut Line, through the Industrial zone on Roll Road and south through the east property line of Fox Trace East to service Meadowbrook Drive and the Harris Hill area. It was noted that this issue will need to be coordinated to determine how sewers are extended—further detailed information will be required.

The applicant noted that existing drainage problems could be solved with this project. Wendy Salvati questioned the number of units that could be developed under existing zoning. The EAF identifies that 116 units can be developed under the agriculture zone—why would the applicant need a rezoning to Residential A if more lots can be accommodated on Agriculture Zoning? It was noted by the applicant that the 116 unit figure was a raw number, not accounting for infrastructure design and lot depth. Mr. Pidanick stated that the Agriculture Zone would not accommodate the lot widths and depth requested in the application. He further noted that the applicant did not own any frontage along Sheridan Drive.

The MRC identified this as a Type I Action under SEQRA as the project will disturb more than 10 acres for residential development. Phil Sgamma asked about the tire fire that occurred on this property. Mr. Pidanick noted that this was cleaned up to the NYSDEC satisfaction. The MRC asked for written confirmation of this clean-up. Also, details concerning the wetlands on the property will need to be forwarded.

A motion was made by Lou Depowski, seconded by Dan Michnik and carried to recommend that the Town Board seek Lead Agency and commence a 30-day comment period of involved agencies.

### 3. COMPREHENSIVE ZONING LAW UPDATE.

Jim Callahan reported that the Planning Department has completed the second draft of the Zoning Law Update. The Planning Board has forwarded the draft to the MRC to initiate a SEQRA review on the action of adopting this zoning law. A short Environmental Assessment Form was introduced along with a two page summary of significant changes to the existing zoning law. A motion was made by Phil Sgamma,

seconded by John Moulin and carried to recommend that the Town Board seek Lead Agency and commence a review period for involved agencies on this draft.

4. AMENDMENT TO MASTER PLAN 2015.

Jim Callahan reported that comments have been received related to the SEQRA review of the proposed changes to Master Plan 2015. Changes involve adding a Chapter 11 providing a mechanism for reviewing changes proposed to the Master Plan 2015. Comments from the NYSDEC and Erie County DEP indicated that the Town should proceed as lead agency and neither involved agency had any significant comment on the changes proposed. The Town has completed the coordinated review and is free to take action under SEQRA. A motion was made by John Moulin, seconded by Dan Michnik and carried to recommend a Negative Declaration on the action of amending the Master Plan 2015 as proposed.

The next meeting of the MRC is scheduled for September 15, 2003 at 7:00 PM. A 6:30 PM work session will proceed the formal meeting.